

FILED

2017 SEP -5 PM 4:02

CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
TOLEDO

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Ponda R. Truss  
Robert E. Truss  
30 Carol Lane  
Toledo, Ohio 43615

PLAINTIFFS

VS

Nationwide Mutual Fire Insurance Company,  
its employees, agents, officers, affiliates,  
subsidiaries, successors and assigns (thereafter)  
Nationwide)

DEFENDANT(S)

) Case No.

) **3:17 CV 1861**

) **JUDGE ZOUHARY**

) JUDGE:

) **MAG. JUDGE JAMES R. KNEPP II**

) **DIVERSITY COMPLAINT  
WITH JURY DEMAND  
ENDORSED HEREON**

**I. NATURE OF THE CASE**

Now come the Plaintiffs, Ponda and Robert Truss and brings this action for damages arising and resulting from an automobile collision that occurred on December 21, 2017. While Plaintiff, Ponda Truss was operating a vehicle registered to her spouse Robert Truss in accordance with all applicable traffic laws and signals, she and her sister, Delisa Simmons (a passenger) was rear-ended. Plaintiffs was insured by a policy of automobile

liability/uninsured/underinsured motorist insurance issued by Nationwide Insurance (See Exhibit 1). This accident occurred in the City of Toledo, Lucas County, Ohio. Plaintiff, Ponda Truss was travelling east on Dorr Street when first struck by Loretta McCaster, the driver of a van (See Exhibit 2), while stopped in a turn lane awaiting for passing oncoming traffic on Dorr Street at Collingwood. Plaintiff, Ponda Truss called Toledo 911 (See Exhibit 2) and while frantically on the phone with the 911 operator, plaintiff was struck a second time. As a result of this accident, Plaintiff, Ponda Truss suffered multiple injuries to include a re-injured shoulder, head injury, neck injury, bilateral hip strain, lower back, both legs injured, a fractured left ankle and post-traumatic stress. As a direct and proximate result of negligence, serious and disabling injuries were caused. Some of the injuries will be permanent in nature and have a major impact on Mrs. Truss' daily life activities. Plaintiff, Ponda Truss continue to suffer for an indefinite time in the future, pain and discomfort, has incurred, and will continue to incur in the future, substantial necessary and reasonable medical expenses, at this time the amount cannot be reasonably ascertained. Plaintiff, Ponda Truss has suffered substantial mental anguish and emotional distress, substantial physical impairment due to her disabling injury, financial harm, loss of consortium in her marriage and unable to enjoy life to the same degree as before the

accident. At the time of the accident, Nationwide Mutual Fire Insurance Company was/is Plaintiffs Ponda and Robert Truss automobile insurance carrier. Uninsured Motorists-Bodily Injury Coverages is/was \$300,000 per person and \$300,000 each occurrence. Property damage liability is/was \$100,000 each occurrence (See Exhibit 3). Plaintiffs' Nationwide Insurance policy number is 9234U010362 and the claim number 227543-GA (See Exhibit 1) was assigned to this accident. Plaintiffs' coverage with Defendant, Nationwide Insurance, exposes Defendant, Nationwide to liability in the event the tortfeasor is uninsured. Attorney Sol Zyndorf filed civil complaint number G-4801-CI-201505015-000 on December 7, 2015 and amended the Complaint on January 13, 2016 in the Lucas County Court of Common Pleas. Attorney Sol Zyndorf listed Defendant, Diane Holmes as the first Defendant and Nationwide as the second Defendant after Plaintiff, Ponda Truss clearly informed Sol Zyndorf that she was struck by a van. The Traffic Crash Report also show that Diane Holmes was not the driver of the van that struck Plaintiff Ponda Truss, but does reveal Loretta McCaster as the negligent driver of the van that struck the vehicle driven by Plaintiff, Ponda R. Truss.

## **I. PARTIES**

1. Plaintiffs Ponda and Robert Truss resides in the City of Toledo, Lucas County, Ohio. At all relevant times, Mr. and Mrs. Truss are

married.

2. Defendant, Nationwide Mutual Fire Insurance Company is incorporated under the laws of the State of Iowa and has its principle place of business and headquarters in the State of Iowa.

## **II. JURISDICTION AND VENUE**

3. This Court has jurisdiction because of diversity in citizenship and the amount in controversy exceeds \$75,000.
4. This venue is proper because it is the judicial district in which a substantial part of events or emissions giving rise to this claim occurred.

## **III. FIRST CAUSE OF ACTION**

### **(Diversity)**

5. Plaintiffs hereby incorporate by reference each preceeding and succeeding paragraph as though set forth fully at length herein.
6. Defendant is incorporated in the State of Iowa and is subject to the laws of Iowa.
7. Defendant is incorporated in the State of Ohio and is subject to the laws of Ohio.

**WHEREFORE**, Plaintiffs Ponda Truss and Robert Truss, prays for judgment against the Defendant, Nationwide Mutual Fire Insurance

Company, its employees, agents, officers, affiliates, subsidiaries, successors and assigns (hereafter Nationwide) for each of them that follows:

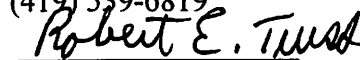
1. For permanent injunctions to prohibit Nationwide Mutual Fire Insurance Company from future actions violating these laws.
2. For interest thereon at the legal rate from and after December 21, 2013.
3. For \$300,000 compensatory damages
4. For punitive damages according to proof
5. For attorney fees and cost incurred herein
6. For such other and further relief as this Court may deem just and proper.

Respectfully Submitted,



Ponda R. Truss, *Pro Se*

30 Carol Lane  
Toledo, OH 43615  
(419) 539-6819



Robert E. Truss, *Pro Se*  
30 Carol Lane  
Toledo, OH 43615  
(419) 539-6819

### CERTIFICATE OF SERVICE

A copy of the foregoing Motion was mailed certified to Nationwide Mutual Fire Insurance Company, MWRO, One Nationwide Gateway, Dept. 5572, Des Moines, IA 50391-5572 on this 5<sup>th</sup> day of September 2017.

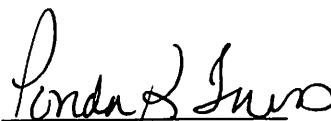
and to:

William H. Falin, Esq.  
The Hanna Building  
1422 Euclid Avenue, Suite 630  
Cleveland, Ohio 44115

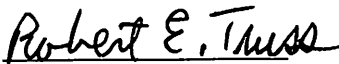
and Edward T. Mohler, *Pro Se*  
420 Madison Avenue, Suite 550  
Toledo, OH 43604

Attorney for Defendant(s)

Attorney for Defendant(s)



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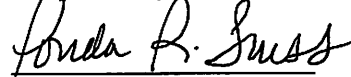


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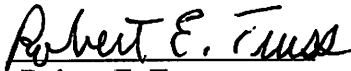
**JURY DEMAND**

Plaintiffs, Ponda and Robert Truss hereby demand a jury trial on all triable issues.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ponda R. Truss".

Ponda R. Truss  
30 Carol Lane  
Toledo, OH 43615  
(419) 539-6819

A handwritten signature in black ink, appearing to read "Robert E. Truss".

Robert E. Truss  
30 Carol Lane  
Toledo, OH 43615  
(419) 539-6819